

REMARKS

Claims 1-3, 5, 6, 8-11 and 14-17 are currently active.

Claims 7, 12, 13, 18 and 19 have been canceled.

Claim 1 and Claim 15 have been amended. Antecedent support for the amendment is found on page 8, lines 1-7 and figure 1.

The Examiner has objected to the drawings in regard to reference characters 11 and 18. Figure 2 has been amended as shown in red in the attached figures. Figure 1 has been amended to show reference numerals for the now claimed seam 70 and face 72.

The Examiner has rejected Claims 1, 12 and 15 as been anticipated by Hutain. Applicant respectfully traverses this rejection.

Referring to Hutain, in pertinent part, Hutain teaches one or more torsion restoring springs 148A, 148B are secured to the perimeter of the wall 146. When the trim ring 126 is slipped into the bottom end 121B of housing 120, end hooks 149 of springs 148A, 148B engage

bosses, tabs, or holes in the outer wall 122 and releasably lock in place, thereby holding the trim ring tightly within and against the outer wall of the trim housing 120. See column 6, lines 44-56.

As shown in figure 2E, the aperture plate 210 has three generally circular apertures 212 through which lenses of the lamps 174C project. The aperture plate 210 is affixed along its perimeter to the inside surface of the lower end of trim housing 122. See column 10, lines 15-20.

As clearly shown in figure 2d, the trim ring 126 extends outward and below the aperture plate 210. There is no teaching or suggestion anywhere of "spackle disposed over the seam between the building structure and the layer to cover any evidence of the seam to define a clean flat face across the building structure and the layer". It is clear that the trim ring 126 destroys exactly the look of a clean flat face across the building structure and the layer that applicant's claimed invention is directed at. In fact, Hutain does not even teach anything at all about spackle, let alone spackle disposed over the seam and between the building structure and layer. The arrangement of the layer being able to fit with the building structure so spackle can be disposed over the seam and between the building structure and the layer to cover any evidence of the seam and define a clean flat face across the building structure and a layer is distinct from the teachings of Hutain. Hutain is not concerned at all with such a look or appearance, but is

directed to cooling the lighting device. Accordingly, Claim 1 is patentable over the applied art record. Claims 2, 3, 5, 6, 8-11 and 14 are patentable for the reasons Claim 1 is patentable.

Claims 12 and 13 have been canceled.

Claim 15 is patentable for the reasons Claim 1 is patentable. Claims 16 and 17 are dependent to parent Claim 15 and are patentable for the reasons Claim 15 is patentable.

Claims 18 and 19 have been canceled.

The Examiner has rejected Claims 2-11, 13, 14, 16, 17 and 19 as being unpatentable over Hutain. As explained above, the still active claims are patentable over Hutain.

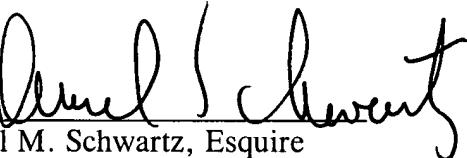
The Examiner has rejected Claim 18 as being unpatentable over Hutain in view of Merko. Claim 18 has been canceled.

It should also be noted that Claim 9 has the limitation of a gimbal ring assembly. Hutain does not teach or suggest this limitation and cannot because in figure 2d, the lamps 174c are fixed to the plate 210 and are unable to swivel. Similarly, in figure 10, there is no place for the holes in figure 2d to have edges of any depth or angle relative to the lamp.

In view of the foregoing amendments and remarks, it is respectfully requested that the outstanding rejections and objections to this application be reconsidered and withdrawn, and Claims 1-3, 5, 6, 8-11 and 14-17, now in this application be allowed.

Respectfully submitted,

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